



## **"The City With a Heart"**

Mary Lou Johnson, *Chair*  
Kevin Chase, *Vice Chair*  
Rick Biasotti  
Perry Petersen  
Joe Sammut  
Sujendra Mishra  
Bob Marshall, Jr,

### **MINUTES PLANNING COMMISSION MEETING**

**June 16, 2009**

**7:00 p.m.**

**Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno**

**CALL TO ORDER at 7:00 pm.**

#### **ROLL CALL**

	<u><b>Present</b></u>	<u><b>Absent</b></u>
<b>Chair Johnson</b>	<b>X</b>	
<b>Vice Chair Chase</b>	<b>X</b>	
<b>Commissioner Biasotii</b>		<b>X</b>
<b>Commissioner Marshall</b>	<b>X</b>	
<b>Commissioner Mishra</b>	<b>X</b>	
<b>Commissioner Petersen</b>	<b>X</b>	
<b>Commissioner Sammut</b>	<b>X</b>	

#### **STAFF PRESENT:**

Planning Division: Community Development Director: Aaron Aknin  
Acting Planning Manager: Lisa Costa Sanders  
Associate Planner: Laura Russell  
Assistant Planner: Matt Neuebaumer  
City Attorney: Pamela Thompson

Pledge of Allegiance: Commissioner Marshall

#### **1. Approval of Minutes – May 19, 2009**

**Motion to Approve Minutes of May 19, 2009 Planning Commission meeting**

**Sammut/ Mishra**

VOTE: 6-0  
AYES: All Commissioners Present at that time.  
NOES: None  
ABSTAIN: None

#### **2. Communication**

E-Packets are available on line at [www.sanbruno.ca.gov](http://www.sanbruno.ca.gov)

CD Director Akin: Made correction to agenda. Next Planning Commission Meeting is July 21, 2009.

**3. Public Comment - None**

**4. Announcement of Conflict of Interest - None at this time.**

**5. New Business**

**A. 599 Cedar Avenue**

**Request for an Extension of a Planned Unit Permit for a period of one year for a fourteen home development at 599 Cedar Avenue, San Bruno, per Chapter 12.128 of the San Bruno Municipal Code. Peninsula Christian Fellowship. (Applicant/Owner). PUP 06-02**

*Acting Planning Manager Costa Sanders:* Entered staff report. Staff recommends that the Planning Commission grant a one-year extension of Planned Unit Permit 06-02.

*Vice-Chair Chase* asked Commission if there were any questions for staff.

*Commissioner Petersen:* The property is currently not well maintained, how will that be fixed?

*Acting Planning Manager Costa Sanders:* We will work with the applicant to ensure the property is well maintained.

*Chair Johnson:* Has there been any feed back from the public on this matter?

*Acting Planning Manager Costa Sanders:* I have not received any comments.

*Chair Johnson:* Have there been any comments in the last year?

*CD Director Akin:* We did speak with one neighbor whom said that he met with the pastor of the church and discussed the plans. He understands that given the current economic climate, the church would not finish the project in the next year, and is very supportive.

Public Comment Open.

*Pastor Grussi, Applicant:* This project was approved last June, and since then the economy went down. It affected our developer, who had to decline from the project, and it also affected our church. We are looking at a couple of options for this project. We are looking for a smaller developer that would be able to handle this project. We have also considered putting the project on the market for sale. As for the property, we will be maintaining the landscaping.

*Commissioner Petersen:* I would like to add a condition that the property be maintained in a neat manner, including the landscaping and building as a whole and the removal of the travel trailers.

*Patrick Gussi, Applicant:* We have allowed the neighbors to park their trailers on our property, if you wish to have them removed, we can do that.

*Commissioner Petersen:* Since you are considering a different developer, would it be possible that you would bring back a different design?

*Patrick Gussi, Applicant:* Yes, that is possible.

Public Comment Closed.

*Commissioner Petersen:* If the owner were to propose changes, would it be brought back to the Commission for approval?

*CD Director Akinin:* Correct.

**Motion to Extend Planned Unit Permit 06-02 for a period of one year.**

**Commissioner Mishra/Petersen**

**VOTE: 6-0**

**AYES:** All Commissioners Present

**NOES:** None

**ABSTAIN:** None

**Vice-Chair Chase advised of a 10-day appeal period.**

**B. Capital Improvement Budget for Fiscal Year 2009-2010**

*Acting Planning Manager Costa Sanders:* Entered staff report.

*Vice-Chair Chase* asked Commission if there were any questions for staff.

Public Comment opened.

None at this time.

Public Comment closed.

**Motion to Adopt Resolution 2009-06 finding the 2009-2010 San Bruno Capital Improvement Budget is in conformance with the General Plan.**

**Commissioner Mishra/Petersen**

**ROLL CALL VOTE: 6-0**

**AYES:** Chair Johnson, Vice Chair Chase, Commissioners Mishra, Sammut, Petersen, and Marshall.

**NOES:** None

**ABSTAIN:** None

**Vice-Chair Chase advised of a 10-day appeal period.**

**6. Public Hearings**

**A. 917 Masson Avenue**

**Request for a Use Permit to legalize un-permitted construction that would result in an overall FAR above the .55 guideline (.75), exceeds the 44% lot coverage requirement (55%), and exceeds 2,800 square feet of living space (3,330 s.f.) without providing a third covered parking space per Section 12.200.030.B.2, 12.200.030.B.3., and 12.200.080.A.3. of the San Bruno Zoning Ordinance. Ahmed Khan (Applicant & Owner) UP-08-026.**

*Assistant Planner Neuebauer:* Entered staff report. Staff recommends that the Planning Commission **deny** Use Permit 08-026 based on Findings of Denial (1-5).

*Vice-Chair Chase* asked Commission if there were any questions for staff.

*Commissioner Marshall:* The owner that conducted the illegal addition in 2001, is that the same owner as now?

*Assistant Planner Neuebauer:* Correct.

*Commissioner Marshall:* Can you give me some more information on the proposed reduced size of the garage?

*Assistant Planner Neuebauer:* The applicant is proposing to reduce the depth of the garage by five feet at the front. The garage measures 19 feet wide, which would amount to a 95 square foot reduction.

*Commissioner Marshall:* Would the reduced garage size be meeting the required depth and width?

*Assistant Planner Neuebauer:* Yes, it would meet the requirements for a two car garage. There is an internal wall that would be removed.

Public Comment opened.

*Ahmed Khan; Applicant:* I built a storage shed in the back, which I use to store medical supplies that I ship to Fiji. I asked staff where I should store my supplies and they suggested I store them in a loft in the garage. I cannot fit some of my supplies on a loft within the garage, so I put up a wall and a roof with some skylights to create a storage room in the rear of my home. The Code Enforcement Officer came to my home and said that there was a Code Case on the property and he needed to inspect the home. I let the officer in my home and he informed me that the garage cannot be used as living space. He said I could go to the Planning Department to get information on what is allowed in my garage and to possibly keep the addition in the rear. I take full responsibility for what I did and I know that it is not legally built, but I did it for a good cause. I personally do not think that my house is that big. My next door neighbor has a large home with a storage area that takes up the whole back yard. The 2001 staff report also states that there are homes in the neighborhood with a greater FAR than what I am proposing. There are homes within the neighborhood that have a FAR's ranging between .73 and .83. 205 Euclid has an FAR of .83. I have a wife, two kids, and my parents in the home. I need this extra space. I am asking the Planning Commission to allow me to keep this storage area in the back. I have also revised the plans to only legalize a 120 square foot portion of the storage area. We have spent a lot of money constructing this storage unit with insulation, windows, and lights to make it look nice. It is hard times right now and I have tried working with the city to resolve this so that I can keep it.

*Commissioner Mishra:* Staff mentioned there was a second kitchen; can you tell us where the kitchen was located?

*Ahmed Khan; Applicant:* There is no second kitchen.

*Commissioner Marshall:* I know there is no kitchen there now, but was there previously a second kitchen?

*Ahmed Khan; Applicant:* Yes, it was not a full kitchen. We did not have enough ventilation in the kitchen so we used the one in the storage area.

*City Attorney Thompson:* The Community Development Director handed the Commission a picture of the second kitchen.

The picture was shown to Ahmed Khan, Applicant, who made no comment.

*Commissioner Marshall:* The kitchen in the picture, is that the unpermitted kitchen?

*CD Director Akin:* Correct, that is the unpermitted kitchen in the Code Enforcement case, which has been demolished.

*Commissioner Marshall:* So half of this is now the storage unit we are discussing?

*CD Director Akin:* Correct.

*Commissioner Marshall:* The kitchen that we just had a picture of is the proposed area for the storage room plus the patio at 10 feet by 20 feet?

*CD Director Akin:* Correct.

*Commissioner Marshall:* Where was the access to that kitchen?

*Assistant Planner Neuebaumer:* The kitchen was accessed through a hallway in the house.

*CD Director Akin:* I would like to comment on the table that is found with in the staff report on comparing different homes in the neighborhood. What we did is compare 5,000 square foot lots within the neighborhood and the comparative FAR of those lots. We did not include 2,500 square foot lots, because as the Planning Commission knows a lot of the older San Francisco style homes that were built on those lots before Ordinance 1520 and before the current ordinance, have higher FAR's. So we focused on comparatively sized lots. We only compared the 5,000 square foot lots in the neighborhood.

*City Attorney Thompson:* I wanted to know if the applicant had anything to add to the record since he has had a chance to view the picture of the unpermitted kitchen?

*Ahmed Khan; Applicant:* I don't feel the city compared all the lots, they only did some of them.

Public Comment closed.

**Motion to deny Use Permit 08-026 based on the Findings of Denial (1-5).**

**Commissioner Sammut/ Mishra**

VOTE:	6-0
AYES:	All Commissioners Present
NOES:	None
ABSTAIN:	None

**Vice-Chair Chase advised of a 10-day appeal period.**

**Finding of Denial**

1. The proposed development will be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.
2. The proposed development will not be consistent with the general plan.
3. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is not consistent with the design and scale of the neighborhood.
4. That the general appearance of the proposed building, structure, or grounds will not be in keeping with the character of the neighborhood, will be detrimental to the orderly and harmonious development of the city, and will impair the desirability of investment or occupation in the neighborhood.

5. The proposed expansion does not comply with applicable off-street parking standards of the zoning ordinance.

**B. 101 Lake Drive**

**Request for a Use Permit to allow an addition which increases the gross floor area by greater than 50% (71.8%) and would exceed 2,800 square feet of living area (3,199 square feet) with a two-car garage per Sections 12.200.030.B.1 and 12.200.080.A.3 of the San Bruno Zoning Ordinance. Paul and Malu Peoples (Owner/Applicant) UP-08-024.**

*Acting Planning Manager Costa Sanders* entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 08-024 based on Findings of Fact 1-6 and subject to Conditions of Approval 1-24.

*Vice Chair Chase* Asked Commission if there were any questions for staff.

None at this time.

Public Comment Open.

*Paul Peoples; Applicant:* I feel our new plan looks better than the originally proposed plan from our neighbors' point of view.

*Chair Johnson:* I was at the property today and I observed a retaining wall that surrounds the pillars down below, can you tell me about that wall?

*Paul Peoples; Applicant:* That is my neighbor's brick wall and is completely on their property.

*Chair Johnson:* It is underneath your house.

*Paul Peoples; Applicant:* The previous owner installed that brick wall as a wind breaker to be able to barbeque. Most of that will be demolished due to the addition to the home.

*CD Director Akin:* I would like to compliment the applicant and the neighbor on coming together and compromising on the plan. I know this application has taken a long time, but I feel the end result is good.

*Commissioner Marshall:* I am reading sheet A-3 of the plans and it looks like the neighbor's house is close to the applicant's property line.

*CD Director Akin:* That is correct, the neighbor's home is close to the property line. However, the lots in this area are oddly shaped which could be the reason why it is so close to the property line.

*Commissioner Marshall:* Is there a fence on the property line too?

*Paul Peoples; Applicant:* Yes, there is a cyclone fence.

*Commissioner Marshall:* Can someone walk between the homes and the fence?

*Paul Peoples; Applicant:* Yes, there is enough room to walk between the side yard fence and our homes.

*Commissioner Petersen:* I would like to compliment the applicant on using extreme geometrical skills on figuring out how to get a new structure in between the property line and the easement.

*Vice Chair Chase:* I would also like to commend you on the progress you made with this application. You did a good job working with the staff and your neighbor.

Public Comment Closed.

**Motion to approve Use Permit 08-024 based on the Findings of Fact (1-6), subject to Conditions of Approval (1-24).**

**Commissioner Petersen/ Sammut**

**VOTE: 6-0**

**AYES: All Commissioners Present**

**NOES: None**

**ABSTAIN: None**

**Chair Johnson advised of a 10-day appeal period.**

**FINDINGS OF FACT**

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.
3. The proposed development will be consistent with the general plan, since the proposed single family home meets the general plan designation of low density residential for the subject property.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
5. That the general appearance of the proposed architectural design with staff's recommended revisions will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.
6. The proposed project complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.

**CONDITIONS OF APPROVAL**

**Community Development Department - (650) 616-7042**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 08-024 shall not be valid for any purpose. Use Permit 08-024 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the Summary of Hearing shall be photocopied and included as a full size page in the Building Division set of drawings.

3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on June 16, 2009, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.

**Department of Public Works - (650) 616-7065**

9. The applicant's site plan shall show all of the existing Easements (PUE) located within the property. These easements are shown on the recorded subdivision map of Portola Highlands No. 2 Dated March 1963, and should also be noted on the applicant's property title as an exception to the title. The Public Utility Easement prevents the construction of any structure, as it would impact the use of this easement. Furthermore, the site plan shall show both location and dimension of all right-of-way and property lines, required setbacks, lot size, and all existing and proposed structures. Also note that any proposed structures within or extend into the existing PUE would not be permitted, as various utility companies would not allow this intrusion into their easements.
10. Please note that the front property line is located 4.5 feet behind the sidewalk at Lake Drive. No fences, retaining walls, or other permanent structure shall be placed or constructed within 4.5 feet from back of sidewalk. S.B.M.C. 8.08.010.
11. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
12. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 -inch. S.B.M.C. 8.12.010.



13. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Crestwood Drive. S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
14. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
15. Paint address number on face of curb near driveway approach. Black lettering on white background.
16. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
17. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
18. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.M.C. 12.161.020
19. Perform water demand calculation based requirements in Chapter 7 of the California Plumbing Code to confirm that the existing water service and meter are sufficient to serve water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/110.
20. The existing 3/4-inch water meter size shall be upgraded to comply with the Fire Sprinkler and Fire Prevention requirements. The new meter size shall be determined by an engineering calculation prepared by a qualified and licensed professional in the State of California (signed and wet stamped). These engineering calculations shall be submitted to the City for review and shall be in compliance with all applicable Building and Fire Codes and requirements.

**Fire Department- (650) 616-7096**

21. Address numbers to be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
22. Provide hard-wired smoke alarms with battery backup as required by building code.
23. Provide flame arrester for chimney if not currently in place.
24. Fire sprinklers required for all new living portions of addition. Coverage to also include garage and single head to attic. Sprinkler system to be applied for under separate permit and permit for system, including calculations. Upgrade of domestic water system requires both encroachment permit and Water Department approval prior to Fire Department approval.

### C. Admiral Court

**Request for a Parking Exception to allow a reduction in the provision of on-site parking for a new building with a 5,000 restaurant and 7,250 square feet of retail space, per Section 12.100.120(A) of the San Bruno Municipal Code. Stegner San Bruno, LLC (Owner/Applicant) PE 09-003**

The Applicant has **WITHDRAWN** the request for a Parking Exception. The applicant will submit a new application for amendment to the Planned Development Permit to establish the parking requirements for the site. Once the complete application is received, the item will be scheduled for the next available Planning Commission meeting.

*CD Director Akin:* I would like the Planning Commission to note that there is an amended staff report presented to you tonight. The applicant withdrew their application for the parking exception request and the Planning Commission will soon see a Planned Development Permit amendment request for the parking ratio for the shopping center.

## 7. Discussion

- A. City Staff Discussion:** Commissioners Petersen, Mishra, and Chase volunteered for the July 16, 2009 Architectural Review Committee meeting. Chair Johnson for back up.

*CD Director Akin:* As you know we adopted the General Plan in March and the second step is to adopt an update to the Zoning Code in order to comply with the state law and the new General Plan. We have interviewed consultants in the past week, and we will be keeping you up to date. This is another long range planning project like the Transit Corridors Plan and the Residential Design Guidelines. You will soon be having joint City Council meetings for both the Residential Design Guidelines and the Transit Corridors Plan.

The Farmers' Market has been approved for the downtown area. It will begin this Sunday, on San Mateo Avenue between the hours of 10:00 AM and 2:00 PM. The operator is Pacific Coast Farmers' Market Association, the applicant and sponsor is the San Bruno Chamber of Commerce. The Pacific Coast Farmers' Market Association operates several farmers' markets along the peninsula.

We also had a Housing Element Workshop which turned out to be more successful than we thought it would be. A number of people stopped by and made comments on what they would like to see incorporated into our housing element.

*Commissioner Marshall:* I received some fliers on the Farmers Market, and I feel it will be a good thing for San Bruno. What approvals are necessary for an event like this one?

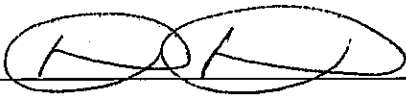
*CD Director Akin:* We required a number of permits for this event. The main permit is a street closure issued by the City Council. We noticed everyone on San Mateo Avenue and all property owners and residents within 300 feet. Since this isn't a land entitlement, as it is within the public right of way, it does not come to the Planning Commission. It is a decision of the City Council for the use of the public right-of-way, which is handled through an encroachment permit.

**B. Planning Commission Discussion:**

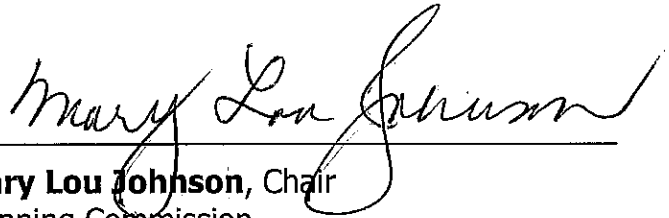
*Chair Johnson:* I would like to confirm the next Planning Commission meeting is July 21, 2009.

**7. Adjournment**

Meeting was adjourned at 7:56 pm



**Aaron Akin**  
Secretary to the Planning Commission  
City of San Bruno



**Mary Lou Johnson, Chair**  
Planning Commission  
City of San Bruno

**NEXT MEETING: July 21, 2009**